

THE RHODE INQUESTS INQUIRY.

RETURN to an Order of the Honourable The House of Commons,
dated 7 August 1882; -for,

COPY "of REPORT by Mr. *Richard Bourke*, Inspector of the Local Government Board, of the Result of his Inquiry into the Circumstances connected with the DEATHS of Two Children named KAVANAGH, whose Parents lived at *Rhode*, in the *King's County*, together with the MINUTES of EVIDENCE taken at the INQUIRY."

REPORT by Mr. *Richard Bourke*, Inspector of the Local Government Board,
to the Under Secretary to the Lord Lieutenant.

Lisdoonvarna, County Clare,
29 July 1882.

Sir,

I BEG leave to forward herewith notes of an inquiry held by me, in pursuance of instructions to that effect from the Local Government Board, at Edenderry, on Monday, the 24th instant, into the circumstances connected with the death of two children named Kavanagh, whose parents lived at Rhode, in the King's County, and I have at the same time to submit as directed, for the information of his Excellency the Lord Lieutenant this my Report upon the subject, and the conclusions at which I have arrived on the several matters in question.

The inquiry was open, held in a large room in the Court House at Edenderry, and was attended by Kavanagh, his wife, and two friends, and by Mr. McInerney, a barrister professionally retained on his behalf. There were also present the resident magistrate of the district, the sub-inspector and some men of the Royal Irish Constabulary, the medical officer, the relieving officer, and Mr. Kerr, with whom Kavanagh worked; several reporters also attended, whom I allowed to take notes on condition that their full reports should not appear until mine had been forwarded.

It appears that Patrick Kavanagh was a farm labourer, working for Mr. David Kerr, of Clonin, near Rhode, and occupying a house on the farm. In the month of March last demands were made by the labourers for changes in the farm, management, and increase of wages, which being refused the men struck work. Those having houses were called upon to quit them, and Kavanagh having failed to comply, was, at the expiration of a month, summoned to Petty Sessions, where an order was issued requiring him to give up possession within seven days. In reply to a question from the Bench, Kavanagh stated his reason for over holding to be that his family were suffering from measles, and upon that representation the employer gave an undertaking that if the fact was certified by the medical officer, and the children reported as unfit for removal, the ejection should not be enforced.

On the 18th April possession was demanded by Mr. Kerr's steward, acting under a special warrant, and the premises were at once surrendered, the only request made being for time to remove the furniture. Nothing was said as to the children's sickness, nor was any medical certificate produced. It appears, however, that at the time two of the children were still in measles, and others recovering from them. It was these two who subsequently died. They were twins, about 12 months old, and occupied the same cradle. The eviction took place about 12 o'clock in the day, but some hours were consumed in removing the furniture, and it was not till about 4 o'clock that the family moved away.

Kavanagh's Evidence, p. 2.

Kerr, 200.

208.

212.

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212.

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122. the mother carrying one child, who was too weak to walk, and the twins being carried in the cradle by two of the other children, aged nine and seven respectively. During these four hours these infants remained on the roadside, the day being, as it would seem, cold, but not wet. They all went to a neighbouring farmer's, where permission had been given to occupy the barn, a thatched building with a dry earthen floor, but without any fire-place, and having an aperture in the wall in lieu of a window.

123 to 203. In this the family resided from the 18th April to the beginning of July, and there the infants died, one on the 29th May, and the other on the 23rd June. A week after their arrival an offer of a hut was made to Kavanagh by the Ladies' Land League, and a site given for it on the farm of a man named Ennis. On 26 to 86. the 24th April this hut together with others was brought from Edenderry to Rhode, packed on a number of carts, and accompanied by a crowd of people. When the procession reached Mr. Kerr's gate, where it was alleged some of the huts were to be erected, it was stopped by the Constabulary, with an intimation that the erections would not be permitted. At the same time two persons in charge of the materials were arrested on sworn informations describing them as ringleaders of a mob, parading opposite Mr. Kerr's house for purposes of intimidation.

L'Estrange 252.

451. Kavanagh was one of the men with the carts, and he states that it was to the very site where his hut was subsequently erected and now stands, that he was taking the materials, and that it was not intended to place it near Mr. Kerr's house. The whole procession, however, having been stopped and the erection of the huts being interrupted, Kavanagh returned to the barn, in which he continued to live with his family until about the 5th July, when the hut having been in the meantime put up on the site given by Mr. Ennis, he removed into it, and remains there to the present time.

290-291.

Such is an outline of the case, and the conclusion attempted to be drawn is that the infants fell victims to the exposure consequent upon the eviction and the defective accommodation afforded by the barn. But it does not appear to me that there is any clear evidence in support of this conclusion. Dr. Sanderson who saw the children on the 24th March, considered them then "extremely delicate," and badly developed for their time of life. He is of opinion that they took menses after that date, and when two months later he was called in to attend the first who died, he found him in the last stage of bronchitis. The same disease proved fatal to the second boy a month after his brother had died. Dr. Sanderson had no means of judging whether, in point of fact, either of the children suffered from their removal, or the defects in their accommodation afterwards, he not having seen them professionally until five or six weeks after the eviction. But it must be obvious to anyone that the circumstances could not have been otherwise than unfavourable to the health of children as delicate as these appear to have been. It is one of the acknowledged evils of strikes that they often entail suffering on innocent parties, and the present case forms no exception to the rule.

167-213.

189.

177.

180.

It is not alleged that either Kavanagh or his wife remonstrated with their employer against being forced to quit the premises at that particular time, or that it was suggested to Mr. Kerr that danger would attend the children's removal. No medical certificate was produced, nor does it appear to have been applied for, and though that may have arisen from misapprehension on Kavanagh's part, the facts of the case appear to exonerate Mr. Kerr from any imputation of undue harshness.

Gavin, 253.

The relieving officer who attended the eviction saw no necessity for affording provisional relief, and no application for shelter or assistance having been made, the case was not brought under the guardians' notice until the second child was under treatment, and the father was for some time out of work. Then the family was supplied with whatever the medical officer thought necessary for the child, and outdoor relief was afforded for three or four weeks.

265-266.

It seems to be implied in some of the comments made on this case that the prohibition against the erection of the huts was in some way connected with the death of the children, but it should be remembered that the eviction had occurred six days previously. Whatever ill effects may have been caused by the exposure and removal of the children had already been incurred, and would only have been augmented by a second change of residence, and the accommodation

accommodation provided in the hut would not seem to render it a much more suitable place for invalids than the barn.

As to the propriety of the prohibition, it seems to me that the circumstances spoken to by Captain L'Estrange, Sub-Inspector Caulfield, and Constable Hyland, leave no doubt of the intended intimidation, and the informations sworn at the time (copies of which are annexed), together with the threatening letters, received, bear witness to the same effect.

The only remaining point for consideration refers to the transactions connected with the abortive inquest. It appears that on the 3rd June, five days after the death of the first child, application was made to Sub-Inspector Caulfield for an inquest on the ground of "suspicious circumstances" connected with it. The sub-inspector having by due inquiry satisfied himself that the child's death was the result of natural causes, took no steps for having an inquest, but on the 13th June he received from the coroner a letter announcing his intention of holding an inquest on the following day "unless he should hear from him before then." Thereupon Mr. Caulfield telegraphed his reply assigning reasons for thinking an inquest unnecessary, and took no steps for assembling a jury in obedience to the coroner's precept. Notwithstanding the telegram, which was duly delivered, the coroner attended at Rhode on the 14th, but finding no jury, left it without holding the proposed inquest.

Considering the terms of the coroner's communication and the reply sent by telegram, it appears to me that Mr. Caulfield had reasonable grounds for believing that no inquest would be held, and that under all the circumstances it was unnecessary to summon a jury.

When the second child died no difficulty was interposed to an inquest, which was duly held.

I return the file of papers transmitted to me through the Local Government Board.

And have, &c.
(signed) *R. Bourke*,
Local Government Inspector.

R. G. C. Hamilton, Esq.,
Under Secretary.

68 to 75.

Inquest.

335.

360.

PETTY SESSIONS (IRELAND) ACT, 1851, 14 & 15 Vict. c. 93.

(FORM A a.) INFORMATION.

THE QUEEN by JOHN CAULFIELD - - - - -	<i>Complainant.</i>
Parties unknown - - - - -	<i>Defendant.</i>

Petty Sessions District of *Fahy*, King's County.

THE information of Sub-Inspector John Caulfield, Esq., Royal Irish Constabulary, of Edenderry, who swith on his oath that, "I am Sub-Inspector in charge of Edenderry Constabulary district in the King's County. I have information that it is proposed to erect some Ladies' Land League huts in the neighbourhood of Rhode in this county, and I further believe that said huts are to be erected for the purpose of intimidating farmers in that neighbourhood from evicting labourers who attempt to Boycott them by refusing to labour, and also to force farmers to yield to the demands made upon them by the labourers at the instigation of the said Ladies' Land League."

And the said informant binds himself to attend when called on to prosecute the said information for the said offence, or otherwise to forfeit to the Crown the sum of

(signed) *John Caulfield*, Informant.

Taken before me, this 24th day of April in the Year Eighteen Hundred and Eighty-two, at *Fahy*, in the said County.

(signed) *C. L'Estrange, R.M.*,
Justice of said County.

PETTY SESSIONS (IRELAND) ACT, 1851, 14 & 15 Vict. c. 93.

(FORM A b.) DEPOSITION of a WITNESS.

THE QUEEN by J. CAULFIELD, Esq., R.I.C. - - -	<i>Complainant.</i>
THOMAS O'BRIEN and MAURICE O'SHAUGHNESSY - -	<i>Defendants.</i>

Petty Sessions District of *Fahy*, King's County.

THE deposition of Head Constable Mackin, Royal Irish Constabulary, of Edenderry, taken in the presence and hearing of defendants, who stand charged that

The said deponent swith on his oath that the defendants Thomas O'Brien, of Leitrim, in the King's County, and Maurice O'Shaughnessy, also of Leitrim, were the ringleaders of a large number of people with carts this day carrying materials for Ladies' Land League huts, which they brought from the Edenderry Railway Station. They were arrested when parading opposite the house of Mr. David Kerr, of Clonin, who has had to eject some of his labourers owing to their having refused to work for him. I believe this was done to intimidate the workmen from Scotland now in his employ, and also their employer, Mr. David Kerr.

Thomas O'Brien stated that the materials belonged to him, and that he was "executing the decrees of Parliament."

And the said deponent binds himself to attend when called upon to prosecute the said defendants for the said offence, or otherwise to forfeit to the Crown the sum of

(signed) *John Mackin*, Deponent.

Taken before me, this 24th day of April in the Year Eighteen Hundred and Eighty-two, at *Fahy*, in the said County.

(signed) *C. L'Estrange, R.M.*,
Justice of said County.

MINUTES OF EVIDENCE.

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Shorthand Writer,—Wm. C. Johnston, 29, Brighton-square, Rathgar.

LOCAL GOVERNMENT BOARD INQUIRY AT EDENDERRY.

Re the Eviction of PATRICK KAVANAGH.—The Inquest Proceedings at Rhode, &c. ;
24th July 1882.

Richard Beards, Esq., Local Government Board Inspector, sat in the Courthouse, Edenderry, at 11 a.m., and opening an inquiry there said:—I have attended here by direction of the Lord Lieutenant, to hold an inquiry in reference to the circumstances of which you are all tolerably familiar now,—the transaction at Rhode in reference to the unfortunate death of two children of a man named Kavanagh. My inquiry will not be upon oath, but simply one held under my own directions, and for the purpose of forming my own judgment, to enable me to make my report upon the circumstances to Government. The Chief Secretary, in answer to a question from Mr. Molloy, the Member for the County, stated in the House of Commons that he would order an inquiry into those matters, and it is in compliance with, or in furtherance of, the promise so made that the inquiry has been directed by the Lord Lieutenant. My instructions are to examine and note the evidence of such persons as may offer themselves for examination, and when I have concluded the inquiry to report to his Excellency the result of the conclusions to which I may arrive. Pursuant to that I attend here to-day, and it appears to me, now as I am to the subject, that the best mode of procedure will be to examine Kavanagh, as a basis of information, then perhaps Mr. Kerr, and others, as necessity may arise. The gentlemen present, who are more familiar with the case than I am, will tell me whether they think that course the best to follow.

Mr. M. C. Macinerny, barrister-at-law, who (instructed by Messrs. McGough and Fowler), appeared for Mr. and Mrs. Kavanagh, said the course suggested was evidently the proper and wise one to follow.

24 July 1882.

PATRICK KAVANAGH; Examined by Mr. Bourke

1. Where did you reside up to April last?—I was a farm servant of Mr. Kerr's, and lived with him for five years before these transactions.
2. What is the name of Mr. Kerr's farm?—Clooina. I had a cottage from him there.
3. A difference arose between you and your employer, I think?—Yes, sir.
4. When did that occur?—On the 6th March last.
5. It was a demand on your part for an increase of wages, was it not?—Yes.
6. And your demand was refused?—Yes, sir.
7. Was there a demand then made upon you for possession of your house?—Yes.
8. You were required to give up your house?—Yes.
9. At what date; were you given a week or a month, or what notice were you given?—Seven days from the court.
10. But before you went to the court; when Mr. Kerr spoke to you first, what notice did he give you?—I was about a month in the house, after leaving his employment, before he summoned me to give up possession.
11. After a month he summoned you?—Yes, as near as I can guess.
12. What rule did the bench make upon that summons?—They ordered me to give up possession in seven days.
13. Well, what happened then; when the seven days had expired?—When the seven days were given to me, myself and children were all sick in measles, and I said I did not think they would be fit to be removed in that time.
14. And what did the bench say to that?—Mr. Kerr said that if they were, he would not ask to remove them, but that the doctor would be a judge of that.
15. What order did the magistrates make thereupon; what did they say when you alleged that your family were in measles?—Oh, seven days.
16. But they had already directed that you should give up possession in seven days, you know?—Yes, they had.
17. Captain L'Estrange, J.M.C. Did I not ask Mr. Kerr to give you time if your family were ill?—I never heard anything about anyone asking that I should get time.
18. Mr. Bourke. It was, however, in the court that Mr. Kerr said he would give time?—Yes.
19. Now, as a matter of fact, Kavanagh, what children of yours were in measles, or were any of them in measles then?—I had six of them, sir.
20. Altogether you had six in measles?—Yes; but some of them recovered before that. They did not all take ill together.
21. Had the doctor attended any of your family at that time?—Yes, sir.
22. He had you say?—Yes.
23. That must have been in April, you know?—Yes.
24. The 6th of March was the date of the dismissal; then you got a month before being brought to court, which brings us up to the 6th of April; do you remember the date of the doctor's attendances?—No, sir; I used not to be there when the doctor came.
25. But which of your children were ill when this took place in the courthouse?—The two little ones that died, sir.
26. The twins?—Yes, the twins.
27. And were the others in course of recovery?—Yes; recovering a little.
28. Getting a little better?—Yes, sir, slowly.
29. How many of them had the measles?—Six; all that escaped the measles was me, sir.
30. But there were only the twins sick at the time that this order was made for leaving the house?—Only the twins very bad, sir.
31. Well, what did you do then, Kavanagh; did you see if the doctor would certify as to those children being too ill to be removed with safety or anything of that kind; did you speak to Dr. Saunderson about the matter at all?—I did not speak to him, but he visited them on Thursday without my asking him.
32. On the Thursday after the proceedings in court?—On the Thursday before I was put out, I thought after he had seen them; there was no occasion for me to do or say more; but I was put out on the Tuesday following.
33. Tuesday, the 16th April, was the date of the eviction, and you say Dr. Saunderson visited your children on the previous Thursday?—Yes, the Thursday before.
34. That would be Thursday, the 13th April?—Yes.
35. How many days after the conversation in the courthouse was that; three days, was it?—Yes, Sir.
36. The magistrates met on the 10th, I believe?—Yes, on the Monday; then on the Thursday after Dr. Saunderson visited the children, and on Tuesday following I was put out.
37. Had you any conversation with Dr. Saunderson that Thursday?—No, sir.
38. But you know he was in the house?—Yes, Sir; my woman who is here, told me he was there that day visiting the children.
39. Were the twins in bed then?—I could not say, sir; I was not there.
40. That was on Thursday the 13th; now what happened upon Tuesday, the 16th; did anybody come to demand possession from you?—Yes.
41. Who came?—Mr. Kerr, with four Scotchmen, some police, and the relieving officer.
42. Mr. Kerr, your landlord, came himself?—Yes, and four Scotchmen with him.
43. And police?—Yes, sir.
44. Then what took place; did Mr. Kerr demand possession, or what?—His steward came in and demanded possession from me.
45. Who did?—Duncan, Mr. Kerr's steward, demanded possession from me, and I said, "Hold on till I get what things are in the place out and I will go."
46. And you did so?—Yes.
47. What means did you take for the removal of your family then?—I moved them all out of the side of the road, sir, and left them there from about 12 o'clock till 4 in the evening. I went up

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PATRICK KAVANAGH.

[Continued.]

to Mrs. Macannee, of Rhode, and asked her for the shelter of her barn, and she said it was a bad place to house a family, but if I could get no better I must have it. So after the family being at the roadside from 12 till 4, I moved them into the old barn out of the cold.

48. At what time did you get into Mrs. Macannee's barn do you say?—About four in the evening, after the family had been out on the road from 12 o'clock.

49. The children, I suppose, were able to walk there; those that had passed through the measles?—Some of them were not, and the two twins that died could not walk at all.

50. Not the twins, but the other children?—Well, some of them.

51. They all walked, as a matter of fact, I presume?—No, there were three of them that had to be carried.

52. Carried by their mother, or by you?—Yes.

53. And the twins?—They were in a cradle.

54. And was the cradle put upon a cart?—No.

55. It had to be carried by hand?—Yes, by hand.

56. Who carried it?—I could not say.

57. But they were moved in their cradle?—They were.

58. We have had the barn described here (in official file of documents); it had no fire-place?—No; no fire-place.

59. And no window ashes?—No; no window.

60. Only "an open"?—A big hole in the side of the wall, just.

61. Are your family living there still?—No; I have got them removed out of that place.

62. How long did they occupy the barn?—All as well as three months.

63. Then how long have they been removed; only a short time?—A fortnight last Wednesday.

64. During that time, while living in the barn, were you at work?—No, sir; there were five or six weeks that I worked none.

65. And then who did you get work from?—From Mr. Ennis, sir.

66. Where are you living now?—I am living on his land in a hut that the Ladies' Land League put up for me.

67. Where erected, did you say?—It is in Cooleer, Sir; Mr. Bernard Ennis' land.

68. And do you find that a more comfortable place than the barn?—I do, sir; a good deal.

69. Have you more than one room in the hut?—A room and kitchen, and two fine glass windows.

70. And is there a fire-place in the room as well as in the kitchen?—No, sir, there is only the one fire-place.

71. Which is in the kitchen, I presume?—Yes.

72. Is there a lath and plaster partition between the room and kitchen?—No; it is all of wood.

73. The whole thing is of wood?—Yes.

74. The partition between the kitchen and the room also?—Yes.

75. And what is the size of the room?—The whole affair, sir, is 20 feet in length by 12 broad.

76. Now, had anything taken place between

you and anybody else as to the occupation of a hut?—Yes, sir.

77. Tell us exactly what it was?—The night we were bringing the huts from Edenderry to put up, we were stopped on the road with them, and two men there were arrested and brought to Tullamore Gaol for bringing down the materials.

78. But was there any communication between you and anybody as to your having possession or occupation of a hut previously?—I was promised a hut, and it was sent down for a shelter to me, but the men who brought it would not be allowed to put it up.

79. First, I want to find out when you were promised a hut?—In a week after I was put out.

80. When you were living in the barn?—Yes.

81. And who was it made you that promise?—The Ladies' Land League.

82. The agent of the Ladies' Land League?—Yes.

83. And you accepted the offer?—Yes.

84. Then an attempt was made to put that hut up for your use; is that so?—Yes.

85. And when was it that they attempted to put up the hut; how soon after the offer was made?—Oh, in a few days the carpenters came down to put it up; they came from Leitrim where they had put up huts.

86. How near the barn, you were in, is it; in an adjoining townland, or where?—About a quarter of a mile off sir; that is where it now stands.

87. Do you know where they were going to put the hut when, you say, the police interfered and stopped them?—I do well; the very place on which it stands at present. When I got the offer of a hut, I went and asked Mr. Ennis to allow me to erect it on his lands, and he said he had no objection to give me a place for it on any part of his farm.

88. When you got the offer from the agent of the Ladies' Land League, you went to Mr. Ennis?—Yes, direct.

89. And he told you he had no objection to your putting it up there?—Yes.

90. Then was there an attempt to put up that hut, that you saw?—Yes, the carpenters came down after putting up one in Leitrim.

91. You don't know anything about Leitrim; but did you see anyone trying, or offering, to put up a hut on Mr. Ennis' land, after you got the permission from him?—No, sir.

92. At all events, you know the hut was not put up then?—No.

93. And you continued in the barn?—Yes.

94. Then you say you removed to the hut a fortnight ago?—Yes.

95. And that the hut is on Mr. Ennis' land at Cooleer?—Yes, on the very land I asked from him at first; the very place.

96. You did not ask any particular place at first, as I understood you, but merely would he allow the thing to be put up on his land?—Quite so; I asked no particular place at first.

97. After you got into the hut, did the doctor visit the children?—No, sir, only one day he came down with Mr. Bourke; I think yourself, sir, to see the hut.

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PATRICK KAVANAGH.

[Continued]

98. But the doctor did not visit them there on any other occasion?—No, sir, he never visited them in the hut.

99. When they were in the barn, though, he did?—Oh, he visited them regularly in the barn.

100. And one of your children died on the 29th May, and the other on the 23rd June?—Yes.

101. When were you put upon out-door relief, Kavanagh?—After the first child died.

102. Not till then?—No, sir.

103. Five shillings a week is what you got, I think?—I got half-a-crown first.

104. For the broken part of a week, and then 5 s. a-week afterwards?—Yes; for two weeks.

105. Are you still on out-door relief?—No, sir.

106. Did you get it for the full four weeks?—Yes, half-a-crown for two weeks, and 5 s. for two weeks more.

107. And did the relieving officer give the children what they wanted in the way of nourishment or stimulants?—Yes, sir.

108. Whatever the doctor ordered, I suppose?—Yes.

109. You have not returned to work at Mr. Kerr's, have you?—No, I am working for Mr. Emma, from whom I got a place for the hut.

110. Did all Mr. Kerr's labourers strike in March?—They did.

111. And are they all on strike still?—No, sir, they have gone back since.

112. And are you the only one that has remained out?—No, there are a couple more, sir.

113. What sort of a day was it that you were turned out on?—A cold, harsh day.

114. Was it wet?—No, sir.

115. That is the 18th of April, you know?—Yes; it was cold, but not wet.

Mrs. BRIDGET KAVANAGH; Examined by Mr. Bourke.

116. Is there anything you would like to say, Mrs. Kavanagh, because if there is, I will hear you, and take a note of it?—No, sir, only that it was the reverse cold, of the remove, after measles, that my little children died.

117. That is what you believed; that they caught cold from the removal?—Yes, your honour.

118. How old were the twins?—They were just a year old; very nigh a year old.

119. Were they both boys?—Yes, boys.

120. And they had had the measles?—Yes.

121. Were they in the measles at the time you left your house?—They were just a couple of days out of them. I could not say they were rightly out of them, nor three more of the children as well.

122. At the time of the evidence?—Well, the measles were gone that I could not see them just two or three days before.

123. They were all out of them then. How many children were just out of the measles?—There were six of them had measles altogether.

124. But there were three well; isn't that so?—They were on their feet only; not very well; just staggering about.

125. And what was the case with the others?—The same—

126. They were all just struggling out of the measles?—Yes.

127. And your opinion is that in the case of the twins they caught cold?—Yes, a relapse of the measles, I think, was on them.

128. They were both in the one cradle, were they not?—Yes.

129. Were they dressed?—Yes.

130. And had they blankets and had clothing?—Well, as well as I could have them.

131. You covered them as well as you could, of course, to protect them from the cold?—Yes.

132. And who carried them to the barn?—I had three not able to walk, and I carried one myself, and the other children carried the twins, staggering along scarcely able to walk.

133. How old were they?—One is seven years old, and another, I think, he is nine.

134. And they had both had the measles themselves?—They had. The two little boys were the last to take ill out of seven, and the others were only staggering on their feet along the road.

135. That was the 18th of April; how soon after did Dr. Sanderson see them?—See the babies?

136. Yes, the twin boys?—Dr. Sanderson saw the first little boy on the Sunday, and on Monday morning he died.

137. Let me understand you, did Dr. Sanderson not see the child until the day before he died?—Before he died—

138. Yes?—On the day before he died hear him.

139. He died on the 29th of May, you know; that is the day the first child died?—I think it was, but I was greatly annoyed and put about, and I did not bring the dates to mind.

140. But I believe there is no mistake about the date, the 29th of May; and do you say that Dr. Sanderson only saw the child on the Sunday before?—I think it was the Sunday. The boy died on Monday morning about five o'clock, and the doctor said he did not think the child would get out of it. He was very dull.

141. But did the doctor not visit the boy in the barn before?—Oh, yes.

142. Then why did you say he only visited him on the day before he died?—Oh, he visited him three or four times before that, but that was the last time he saw him.

143. He had, in point of fact, visited the boy previously during the time you were in the barn?—Yes.

144. From time to time?—Yes, and gave him all the remedies.

145. And instructed the relieving officer to give him what he wanted in the way of nut wine and things?—Yes.

146. And he visited him for the last time on the Sunday before he died?—Yes.

147. Then the other little fellow lived for three weeks, or rather more, after that?—Rather more.

148. And

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Mrs. BRIDGET KAVANAGH.

[Continued.]

148. And did the doctor go on attending him?
—He did, your honour.

149. Now, is there anything else, Mrs. Kavanagh, that you would like to let me know about?—No, nothing else, sir.

150. You were not very comfortable, I suppose, in the barn?—No.

151. How did you manage to cook your food there?—I just used to put a little pot on the fire.

152. But there was no chimney, as I understand?—No, Sir, and sometimes we were nearly smothered with smoke. I had frequently to go

to the door, but it was very cold when we opened it.

153. You had your beds that you brought out of your former house, had you not, for yourself and the children?—Yes, Sir, as well as I could have them.

154. Are you more comfortable in the hut where you are now?—I am, a great deal.

155. If there is nothing else you want to say, there is nothing I have to ask you; but as I said before, I will hear anything you wish to state?—There is nothing else I have to say, Sir.

Dr. SAUNDERSON; Examined by Mr. Barker.

156. You are medical officer of the Rhode Dispensary?—Yes.

157. And where do you reside?—In Rhode.

158. How far from Mr. Kerr's place, where the Kavanaghs used to live?—I should say something about half a mile, or less.

159. Have you any notes from your books that will enable you to say when you attended these children; what time you were first called in to see the Kavanagh family?—Yes. On the 24th March I got a visiting ticket to attend John Kavanagh aged, 14.

160. And what did you find him suffering from?—Measles; in about the last stage of measles of a very mild type. I may say that measles were very epidemic at that time.

161. Then when did you visit the family next, doctor?—Well, I was passing either the day or the second day after, and I casually called in, and saw they were all pretty well. The boy I then attended was running about a week afterwards. I have no entry of the second visit; I was just passing, and looked in.

162. You have only a record of seeing them once when you attended on the red ticket?—Yes; the 24th of March.

163. You paid no visits subsequently?—No; no special visit; but passing the place, I ran in to see the children.

164. When did you see any others of the family suffering from measles or any other disease?—I got two dispensary tickets, but I have not the dates of these.

165. However, subsequently to the 24th March, you had two dispensary tickets; when did you next visit the family?—On the 26th May, for Edward Kavanagh, I got a red ticket.

166. And you attended in pursuance of that?—Yes.

167. And what did you find the child suffering from?—From a very bad form of bronchitis.

168. Is this one of the twins?—Yes, aged one year, Edward Kavanagh.

169. That was when they were in the barn?—Yes.

170. You had not visited the twins previously to their removal from their house?—No; but I saw them in the house while I was visiting John Kavanagh, and I believe they had measles at that time.

171. But you made no professional examination of them; you prescribed nothing profes-

sionally for them?—No; it was for John I prescribed.

172. However, you believe that at that time, or at some subsequent period, these twins had measles?—Yes, I believe that; it is very unusual to have only one case of measles in a family.

173. But you have no absolute knowledge, from having prescribed for them, that they had the measles whilst they were living in their own house?—No; no absolute knowledge.

174. You believe though that measles, once introduced, ran through an entire family?—Yes.

175. And the first time that your attendance was specially given to one of the twins was on the 26th May, to Edward Kavanagh?—Yes.

176. You then attended him in this barn?—Yes.

177. Will you describe the condition in which you found that boy Edward Kavanagh, then, medically?—He was suffering from a very bad form of bronchitis. In fact, the child was sinking fast.

178. Is bronchitis usually sequential to measles?—Yes; it frequently accompanies, and generally follows measles.

179. Well, then, the next of these twins, who died on the 23rd June, what record have you of your attendance upon him?—I got a visiting ticket on the 13th June to attend Joseph Kavanagh; that is the second twin.

180. In what condition did you find Joseph Kavanagh then?—I found him suffering from bronchitis. I may add, that when I saw the other twin I also saw Joseph; and, in fact, prescribed for both together.

181. Was Joseph suffering from bronchitis at the time you attended Edward?—Yes; but not in so bad a form.

182. But there were symptoms of bronchial affection?—Yes.

183. Have you any record of the number of visits that you paid to Joseph?—Yes; I visited both from time to time, frequently.

184. Up to the time of their deaths respectively?—Yes; until they died.

185. And gave them such medical comforts as you thought they required?—Yes, all I possibly could.

186. Have you any knowledge of the condition in which these two boys were previously to their leaving their own house, at Mr. Kerr's?—Yes, I had.

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187. How

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Dr. SAUNDERSON.

[Continued.]

187. How did you acquire that information?—When I was visiting John Kavanagh I saw those other two children also, and they appeared very, very delicate children; extremely delicate.

188. But did you look at them professionally?—No, merely in a casual way. Mrs. Kavanagh said they were illing, and I was under the impression that they were getting the measles, or even going through it. But there was no rash, or eruption of measles then visible.

189. But you believe, as a matter of fact, that they did get the measles afterwards?—Yes, that they went through them with the rest of the family.

190. Now, I suppose under ordinary circumstances, exposure to air might be injurious to children suffering from recovery of measles, who were of that delicate constitution?—Certainly, sir. Exposure to cold and wet, would be seriously injurious.

191. Have you any means of informing me whether you had reason to believe that those children were injuriously affected by exposure, when being removed from the house to the barn?—I could only base my conclusion on Kavanagh's statements, and if they were exposed on the roadside for four hours, on a cold day, it must have been injurious.

192. But you cannot from your own knowledge say whether they did really suffer?—No; for I did not see them till the 26th May, and they left the house on the 18th April before.

193. Do you consider that that barn was a place in which you could satisfactorily treat sick children?—Well, I considered, and I said so at the time, that if they had a window in the place it would be almost as good as many houses; the great majority in which I attend such patients in.

194. There was an open in the wall only; no window?—Yes.

195. Did the place run up to the roof?—Yes, and a very high roof too.

196. There was no loft over head?—No.

197. And was the barn slated or thatched?—Thatched; very well thatched.

198. Was the floor earthen or boarded over?—Oh! earthen only, but dry.

199. A dry earthen floor?—Yes.

200. And what was the size of the open that served as a window?—About 3½ feet, I think.

201. And was there any shutter to it?—No; they had a sack nailed on the outside of the wall.

202. But there was no wooden bar, or anything of that kind to protect them?—No.

203. And no fire-place?—No.

204. Where were the children when you saw them on the 26th?—In a little square cot on the ground, very close to the fire.

205. Were they protected?—I think so. She took them up separately for me to examine at the light of the door.

206. And did you examine them with the stethoscope?—Yes; very carefully.

207. And found that the bronchial tubes were affected?—Yes; the child I went to specially on the 26th, was sinking, and died on the 29th, three days after.

208. And Joseph did not die until the 23rd of June?—No; he died on the 23rd June.

209. Have you had occasion to visit the family in their present quarters; have you been called in?—No, sir.

210. Is there anything you would like to state about this case now?—Yes; about the relief given. When the first child died, Mrs. Kavanagh complained that her husband had only 7s. coming to him that week, having been two days from work.

211. Seven shillings wages?—Yes.

212. Was he then working for Ennis?—Yes; and I considered that was not sufficient to nourish the children. So I, on the 4th June, brought the relieving officer down to this place, where they were living, and I ordered some milk and wine, which they continued to get until the death of the second child.

213. That was after the death of the first?—Yes, and owing to the fact of the father having lost two days' work burying his child. I may also state that the children were so delicate, that up to the time of their death, they had not even cut a single tooth, though over a year old. The mother attended the children very well indeed.

214. Captain L'Estrange.] I believe you are the sanitary medical officer of this district is well?—Yes.

214*. And you made no report about the barn being unsuitable for habitation?—No. I think if there had been a window and a chimney it would be quite a big house.

215. Mr. Bourke.] But these are large "ifs," you know.

216. Captain L'Estrange.] But you did not report the place as being unfit for human habitation?—No, and even the sub-sanitary officer, Mr. Gavin, did not think it unfit for habitation, and he was there too.

217. And you say there are a good many houses much worse than you visit?—Yes, there are.

PATRICK GAVIN; Examined by Mr. Bourke.

218. You are the relieving officer for what electoral division?—For Edenderry division, Sir.

219. And does that include Rhode?—Yes, Sir; there are 21 sub-divisions included in it.

220. But you are relieving officer for the division in which Rhode is?—Yes.

221. And you know the Kavanaghs?—Yes.

222. Did you receive notice of eviction in their case?—I did.

223. Can you give me the date of that notice

by any memorandum?—I attended on the 18th April, and a fortnight before was the notice I got from Mr. Kerr.

224. You attended, at all events, in pursuance of a notice from Mr. Kerr on the 18th April?—Yes.

225. Will you state what took place there; Mr. Kerr, or some one of the family, came with police, didn't they?—Yes. I saw Mr. Kerr's men removing the things out of Kavanagh's house,

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PATRICK GAVIN.

[Continued.]

house, and I stood there until the things were set then—I was on my way going to the County Meash. I went on. I remained there about an hour, and when Kavanagh was out he asked me for nothing, so I had no power to give anything; but if he had asked for anything to remove his family to a lodging or any place else, I could have done so.

226. But you are aware that by the Eviction Act your duty is to provide the parties evicted with lodging or out-door relief should you consider the same necessary; are you aware of that?—On application being made to me.

227. There is no such thing stipulated by the Act; you are aware that you are bound to provide them with shelter and with relief if they require it?—You mean to offer it?

228. You are bound to provide it if you think they require it?—I believed that if they were in need there would be an application, and then and there I could give it, according to my discretion and power.

229. Did you know where the Kavanaghs were going?—No, Sir.

230. Did you inquire whether they had any shelter hid out for themselves?—No, I made no inquiries.

231. Did you want to see where they would be taken in or received, or where they would lodge that night?—No, Sir, I did not wait.

232. Had you any conversation with Kavanagh, or his wife, that day?—Yes, I had.

233. Did you ask them where they were going to lodge, as they could not lodge any longer in that house?—No, Sir, I did not.

234. What was your reason for not asking them?—Well, for the past 25 or 26 years I am attending evictions, and I never asked any questions of the kind, and never offered relief until asked for it. If they asked me I got them a car, or whatever was necessary for the removal, but not otherwise.

235. And that is the reason you give for not having asked them where they were going to; I am not asking to find fault with you, but to discover how the facts are; and, as a matter of fact, you never asked them?—No.

236. And you did not know where they were going?—No, Sir, I was not sure.

237. Had you any notion; did anything ever take place which led you to believe that they were going to such-and-such a place?—I was led to believe, not at that present moment; but I heard that he had a place to go to, a place he had spoken of.

238. Was that before this 18th of April?—Yes.

239. You heard before that, that he had a place to which he was likely to go; is that it, or if not, tell me what you mean?—I was under the impression, and believed that she had her father's place to go to; respectable people belonging to her, within a mile of their own house.

240. What reason had you to believe that she would go to her father's?—I was well inclined to sympathise in any way if it was a thing that there was any application to me, but I was led to believe that she had her father's place to go to.

241. But I want to know, if you will tell me, how you were led to believe that; did any of her own people tell you, her father, or her brothers,

or her sisters, or any of the members of her family?—No answer.

242. Do you mean to say that you thought when she had well-to-do relations, people in a respectable way, that they would be sure to take her in?—I believed she would be taken in by her father.

243. It was merely your own impression; you were not led to believe it, but it was your own impression that the family would be taken in or provided for in some way by Mrs. Kavanagh's people?—Well, as I have remarked, for the last 25 years I never gave relief in such a case until I was asked for it.

244. Never mind that for the present; you believed she would be taken in by her own family?—I firmly believed it.

245. And when did you first hear that they were in the barn; was it shortly after the eviction, or can you remember when you heard it?—I was speaking to him in the barn.

246. But when did you first hear that the Kavanagh family had gone into the barn?—Oh, immediately after that; the next day, I believe.

247. A day or so after the eviction you heard that they had gone into Mrs. Macnamée's barn, did you?—I was in it on the 1st June with Dr. Saunderson.

248. I want to know when it was that you first found out that they went into Macnamée's barn?—I heard that they were in it; but I cannot say how long it was after the eviction.

249. Then you found that they had not been taken into her own people's house, and that you were wrong in the idea that they would take them in?—Yes, Sir.

250. Did you visit them in the barn?—I did.

251. When Dr. Saunderson sent for you?—Yes.

252. But not before?—No, not before.

253. When Dr. Saunderson sent for you, then you visited them in the barn?—Yes, and gave relief according to Dr. Saunderson's order.

254. Had you put them on out-door relief before that?—Before that; no, Sir.

255. Not till Dr. Saunderson sent for you?—I was not sent for; I was in Rhode, and the doctor told me he was going down to see Kavanagh's children, and asked me to go with him.

256. But you did not put them on out-door relief until then?—No. But if there was any application made to me on that day of the eviction from them until he set to work again, he might have had relief, but I never was applied to by anyone for it. No application was ever made to me.

257. Then because there was no application made for relief, you did not exercise your powers as a relieving officer to give provisional relief in cases of eviction?—That is so. I believed if there had been distress there would have been an application.

258. What sort of a day was the 18th of April, when they were evicted?—They were evicted about 12 o'clock, and at that hour it was a fine day.

259. And did it come to be a bad day afterwards?—I don't know, because I was travelling all the day afterwards.

260. Surely you must know whether it was a

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PATRICK GAVIN.

[Continued.]

fine day or a bad day?—I am sure it was a fine day at that hour, Sir, 12 o'clock.

261. And can you only speak as to that hour?—I don't exactly remember, but I believe it was a fine day, for I was travelling the whole day.

262. You surely must be able to say whether it was a fine day or not after 12 o'clock, when you can speak so positively to that particular hour?—It was a fine day at that hour.

263. And that is all you can say?—Yes.

264. Captain L'Estrange, R.M.] He asked Kavanagh to get a medical certificate to enable him against having his children removed, and Kavanagh refused to do so. (To Witness.) Is that not so?—I was speaking to Kavanagh in Mrs. Macnamoe's on that morning, before the eviction took place at all. I just called in to see whether the sheriff had gone down, believing that the sheriff would be engaged in it; and some one was saying in Macnamoe's that some of Kavanagh's children were sick. When they heard where I was going, I was told that, and I then said that if any of the children were sick, if he went up to the doctor and got a certificate saying that the children were sick, it would stay the eviction, as I was sure Mr. Kerr would not press it at that time. He made some evasive answer, and took no trouble about it.

265. Mr. Bourke.] What do you mean by an

evasive answer; can you remember what he said to you?—He just made some evasive answer.

266. Never mind the evasive answer; do you remember what he said to you?—It is what I said myself, I am after stating.

267. I know; but do you remember what answer he made you?—I believe he said that he would not.

268. Captain L'Estrange, R.M.] Did he say "to Hell with it?"

269. Patrick Kavanagh.] I did not, and he made no such statement to me. I did not see him that day at all at Mrs. Macnamoe's.

270. Mr. Bourke.] Kavanagh says he did not see you that morning at all at Mrs. Macnamoe's?—Well to show who is telling the truth, I have witness. Mrs. Macnamoe called him out of the kitchen. I was telling Mrs. Macnamoe when she spoke about the children being sick, that if he went out and got a certificate from the doctor that it would stay the eviction, and I was sure it would. With that she called out, "Pat, come here, do you hear what Mr. Gavin is after saying," and I went over it again, and explained the thing for him. With a feeling of sympathy, I said if he went to the doctor he would get a certificate, and the eviction would not take place then at all events.

PATRICK KAVANAGH, re-called; and Examined by Mr. Bourke.

271. KAVANAGH, do you remember that having taken place?—No, Sir.

272. Were you at Mrs. Macnamoe's that morning at all?—Not that morning, but I was on the morning before that.

273. Did you see Mr. Gavin the morning before?—Yes.

274. Then this conversation may have taken place the morning before?—It might. He came on Monday, and the eviction was not until the Tuesday.

275. And the conversation which he says took place between him and Mrs. Macnamoe might have taken place between them the day previously?—It might.

276. Had you been arranging the morning before about putting the family into the barn?—No, Sir; not until the children were out on the road did I ask the barn.

277. Not until after the eviction?—No, some time after it.

CAPTAIN C. L'ESTRANGE, R.M. (Tullamore); Examined by Mr. Bourke.

278. YOU are the Resident Magistrate of the district?—Yes, Sir.

279. When did the question of huts or no huts first come before you; I mean in this case?—The 24th was the day they came down, but a day or two before I knew what was going to happen. The sub-inspector reported to me that the ladies were going to bring some huts down to this place, and asked whether they were to be allowed to be put up or not. I went over on the Monday to Petty Sessions at Faby, which is close to Rhode, and I heard that the huts had come down. There are some old maids in Rhode, the Ladies' Land League, they call themselves, but they have caused much trouble and annoyance; however, I heard they had gone down, and I sent for all the police I could get with the view of preventing any illegal action and of preserving the peace. I took two informations; one from the sub-inspector, and the other from a constable (*copies of informations handed in*), and from the informations I received I believed the huts were brought down for the purpose of intimidating Mr. Kerr.

280. Where were the huts at this time; at the station here (Edenderry)?—No, I remained at Faby until they came on.

281. They came on in carts, I presume?—Yes, in 24 carts.

282. Twenty-four carts came with the materials for these huts?—Yes; and some of the ladies on the top of the materials. I followed them till they got exactly opposite Mr. Kerr's gate, and I then halted them to take the names of the owners of the carts. I found that some had no name pointed on them, and the owners of these were summoned afterwards and fined. I also found some children under age driving, and in these cases also fines were imposed. There was a young man named O'Brien taking a very prominent part; he told me, in fact, that all the things were his private property, and that they were going to put up these huts, the place selected being right opposite Mr. Kerr's gate.

283. On the other side of the road?—Yes. I told them I would not allow the huts to be put up there. If they had gone elsewhere, if they had gone where the hut is now, I would not have interfered.

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Captain L'ESTRANGE.

[Continued.]

interfered. I believed this particular site had been selected to intimidate Mr. Kerr and his workmen. If these ladies really wished to save the lives of these children instead of sending down huts and erecting them, for an expenditure of a few shillings they might have put a window and chimney into the barn, and made the place comfortable.

284. That is a matter of opinion; but will you tell me again the date when these huts came down?—The 24th April.

285. Then it was after the eviction?—Yes, they were evicted on the 18th, and the huts came on the 24th.

286. That is, six days after the eviction these huts came down?—Yes.

287. The exposure of the children had taken place then?—Yes, for those six days.

288. And the Kavanaghs had then been six days in Macnamee's barn?—Quite so; and for a very few shillings they could have got lodgings

if they wanted them, but the fact is they would rather pass as martyrs.

289. Would you, for the sake of my own information, tell me the course of events then, when you refused to allow the huts to be erected on the 24th April opposite Mr. Kerr's gate, when the other site became available, and when the huts were, in fact, erected?—I told the police I would not interfere with their putting them up on any people's land, or any place in the neighbourhood, save that particular place opposite Mr. Kerr's gate.

290. I don't think I have got the date; can you tell me when the huts were put up on Ennis' land?—No, Sir; from what I have seen of the Land League huts, I must say I would prefer the barn to any of them.

291. But you cannot tell when the huts were erected?—No, but Kavanagh said he went into possession of his hut a fortnight last Wednesday, and the constable here says it was erected three weeks after the last child died.

MR. DAVID KERR; Examined by Mr. BOWKE.

292. You own these lands of Cloona?—I am tenant of them.

293. And you had a disagreement with your labourers, as we have heard?—Yes, we had a disagreement. They wished me to dismiss my steward, and also to make some alterations as regards the regulation of my horses, and they further wanted an increase of wages; in fact, they wanted to re-model the whole establishment. This I did not agree to.

294. Was your steward a Scotchman?—Yes.

295. And you had your own way of treating your horses?—Yes.

296. While they wished another mode adopted?—Quite so.

297. How was their communication made to you, verbally or in writing?—There was some talk with my steward, and he repeated it to me, and I told him what to do then. They did not appear next morning at work, however. That is the first information I had of the strike. I had communications with them afterwards, though.

298. And you found that they were not disposed to yield to your terms?—Yes.

299. Kavanagh held a house on the farm?—Yes.

300. For which he paid rent?—Yes.

301. Or an allowance in his wages?—Yes.

302. Then what proceedings did you take; did you call upon him to give the house up if he would not work for you upon your own terms?—After considerable time; after three weeks I called upon them to give up the houses.

303. Then were there more people than the Kavanaghs resident on the farm?—Yes, four or five; and I told them that I should take proceedings against them, which I did.

304. Summoned them at petty sessions under the Small Holdings Act?—Yes. They had held the houses then for, I dare say, a month from the time they left my employment, and I asked the magistrates to give me a decree for possession in the shortest time, and they decreed possession for me in seven days.

305. Was it pleaded in court that the Kavan-

agh family were ill?—Yes; each case was tried independently, and the men were asked what they had to say. Kavanagh said that his family had measles, and one of the magistrates turned to me and said, "what do you say, Mr. Kerr, to that?" I immediately replied that if they produced a medical certificate to that effect, I would not remove them.

306. A medical certificate to what effect?—That the children were not fit to be removed, and that I would not ask to remove them.

307. You would not seek to take up possession until they were well?—No; not until they were well.

308. Patrick Kavanagh.] There was nothing about my getting a doctor's certificate, but he said, when I mentioned that my children were not fit to be removed in seven days, that the doctor would be able to tell that. There was nothing said about a certificate.

309. Mr. Bowke.] He says, not that he desired you to get a certificate, but that if he was informed through the medium of a certificate that the children were ill he would not enforce the eviction then?—Oh; that is different; I thought he said he told me to get a certificate.

310. Mr. David Kerr.] No; I addressed the magistrates.

311. Mr. Bowke. (To Mr. Kerr.) Were you present on the 18th April when possession was given?—I was.

312. Was any statement made to you then by Mrs. Kavanagh, or by Kavanagh, with reference to the children?—Nothing whatever; they made no statement to us.

313. Did they tell you where they were going; where they had obtained shelter?—No, they did not.

314. Did you happen to know?—No, I did not.

315. Who came out with the constabulary; your bailiff, was it?—The special bailiff, and myself, with two or three of my men, and some police. There was a special bailiff appointed to obtain possession.

316. There

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Mr. DAVID KERR.

[Continued]

316. There was a warrant, I suppose, to some one of your own men?—Yes, I had my steward named as special bailiff.

317. And the warrant was addressed to him to take up possession of the houses?—Yes.

318. Had he occasion to execute the warrants by force?—No, they gave up possession peacefully.

319. And merely asked time, Kavanagh says, to remove their furniture?—Oh, they removed the furniture out of their houses immediately; there was no delay whatever.

320. And did you remain there till the key was given up?—Yes.

321. You saw your bailiff take the key?—Yes.

322. Did you see Kavanagh's family moving away?—Not moving away. I saw them moved out of the house on to the side of the road just.

323. That was thrust out on the side of the road?—Yes, put out to give me possession.

324. Did you see the cradle?—Yes.

325. And you knew there were little infants in it?—Yes.

326. You did not remain to see them proceed?—No.

327. As soon as the door was shut and the key given up you went away?—Yes, I went away.

328. Do you remember what kind of a day it was?—Yes, a fine day.

329. The day changed as it were on, did it not?—No, I think not. As far as I recollect, it was a fine day all through. At least it was a fine day when we went there, and my impression is that it remained fine all day.

330. Patrick Kavanagh.] There was no rain, but it was very cold. There was a cold harsh wind blowing.

331. Captain L'Estrange, A.M. (to Mr. Kerr.)] You got some threatening letters, I believe?—My workmen got some threatening letters. After all my men had left, my blacksmith, knowing how I stood, came on Sunday morning to help to feed the cattle, and he immediately got a threatening letter for attempting to do so. The men I brought from Scotland also got threaten-

ing letters, and my herd also got a threatening letter.

332. Mr. McInerney, A.M.] This was after the evictions, though?—No, Sir, before the evictions.

333. Mr. Bowke.] Had you brought any labouring men from Scotland before the evictions?—Yes, I had.

334. To take the place of these men?—Yes, I must carry on things somehow, surely.

335. And are living in those cottages, are they?—No, they are not.

336. You give them accommodation then in the farmyard, I suppose?—In the farmyard.

337. As to the huts, Mr. Kerr, were you present when they came as described by Captain L'Estrange?—No, I was not.

338. Had you any communication with Captain L'Estrange as to the position in which he was intended to place these huts at first?—None whatever.

339. You did not inform him that you considered that they were there for the purpose of intimidation?—I did not.

340. Had you any feeling in the matter yourself?—I knew that the huts were coming down, and that it was for the purpose of intimidation, and that they were to be erected opposite gate.

341. But you did not object to that by word or by letter?—Not that I remember.

342. In what position do you stand with your labourers now?—A number of the men returned to their work.

343. And any of them to their cottages?—Yes.

344. But Kavanagh did not return?—No, he did not.

345. Would you take him back if he was willing to come?—I would not; I have as many as I require.

346. Is it because you considered him to be a ringleader in the strike?—I have as many men as I require, and I would not take him back.

PATRICK KAVANAGH; Examined by Mr. Bowke.

347. WHAT explanation do you give me now as to not having obtained a certificate from Dr. Saundersen to say that your children were ill, and that it would be injurious to remove them?—I got no certificate from him.

348. But why didn't you?—I did not understand that it was necessary, and nobody told me to get it. The doctor visited them on the Thursday without my asking him, and he went from my house to Mr. Kerr's. I thought he had called by Mr. Kerr's direction, and that it would be all right, but on the Tuesday following I was put out.

349. What day was it that the doctor went from your house to Mr. Kerr's?—On the Thursday before I was evicted. I thought it was settled between them.

350. Captain L'Estrange.] In my evidence I did not mention that the day the decree in possession was given; in the court I asked Kavanagh had he anything to say why a decree should not issue, and he replied, "No, but my children have the measles." I then turned to Mr. Kerr, and said, "Will you put this man on if his children are ill?" and he said, "certainly not, if there is a doctor's certificate."

SUB-INSPECTOR JOHN CAULFIELD; Examined by Mr. Bowke.

351. You are Sub-Inspector of the district?—Yes.

351*. I have to ask you a few questions, Mr. Caulfield, upon the subject of this inquest after the death of the first child on the 29th of May. You received some intimation, I believe,

from the coroner to the effect that he would desire to hold an inquest?—Yes, I have his letter here.

352. Kindly read it, please?—He says, "Sir, I send you a copy of—"

353. Give the date; read the entire document!

24 July 1882.]

Sub-Inspector CAULFIELD.

[Continued.]

ment?—“Kill, Philipstown, 12th June 1882.
 “Sir,—I send you a copy of report received by
 “me on the 6th inst. I expected to have heard
 “from you before this. I am of opinion that if
 “you have received such a statement from
 “Kavanagh, he should not be refused the legal
 “right of having the death of his child inquired
 “into, as he alleges there are suspicious circum-
 “stances connected with the matter which can
 “be deposed to at an inquest. I have also
 “received a declaration, the copy of which I
 “send you. Should I not hear from you on
 “Wednesday morning I will be at Rhode at
 “12 o’clock on same day, Wednesday. I am,
 “Sir, your obedient servant, Wm. A. Gowing.”
 354. That is the following day?—Yes. The
 copy of report received by me with that letter is
 as follows:—“Wm. A. Gowing, Esq., Coroner,
 “King’s County. Sir,—On yesterday, 3rd June,
 “I served copies of the following notices on the
 “Sub-Inspector, R. L. C., Edenderry, and on
 “the constable in charge of the Royal Irish
 “Constabulary, Rhode. Should they neglect or
 “refuse to send them forward, I charge you to
 “give the matter your immediate attention, or,
 “in the event of your refusing, I will report to
 “the Chief Secretary for Ireland and have the
 “matter brought before the House of Commons.
 “I enclose a solemn declaration, made before
 “Captain Dames, J.P., and also a list of the
 “persons I wish to bring forward as witnesses
 “at the investigation. Patrick (his x mark)
 “Kavanagh.” And the copy notice is this:
 “Report immediately the death of Edward
 “Kavanagh to the coroner of this district, as
 “there are suspicious circumstances connected
 “with the death of this child which require strict
 “investigation, and will be deposed to at the in-
 “quest. I will give a return of the witnesses’
 “names I will produce for examination.” And
 “then the copy of the declaration is as follows:
 “I, Patrick Kavanagh, of Clonsilla, do solemnly
 “and sincerely declare that there are suspicious
 “circumstances connected with the death of my
 “child, Edward Kavanagh, which render an
 “examination of the body present. Patrick
 “(his x mark) Kavanagh. Made and sworn
 “before me this 3rd day of June 1882, T. L.
 “Dames, J.P.” Then this is the copy names of
 “witnesses: “Peter Brennan, Coolcor; Mary
 “Brennan, Coolcor; Anthony Brennan, Coolcor;
 “Euse Brennan, Coolcor; John Gorman, Cool-
 “cor; Richard Regan, Leitrim; and Edward
 “Sheehy.”
 355. You received that letter from the coroner
 on what day?—The day after it bears date.
 356. That is on the 13th of June?—Yes.
 357. Had you previously received any letter
 “notice with regard to this death?—I had;
 “Kavanagh came to me himself.
 358. And did he serve you with a copy of this
 notice I have just read?—Yes, with a letter similar
 to that.
 359. And some time about its date?—Yes.
 360. Did you set upon that notice?—No, I
 had made previous inquiry. I had made very
 particular inquiries previously about the death
 of the child, and I did not think there was any
 reason for writing to the coroner on the subject.
 I had also the opinion of the doctor.
 361. This having been your frame, you got on

the 13th June that letter from the coroner?—
 Yes; and I answered it at once by telegram,
 telling him the circumstances.
 362. Telling him what?—Telling him the cir-
 cumstances of the death of the child. My tele-
 gram was to the effect that it was a weakly child
 from its infancy, and that it died from bronchitis
 after measles.
 363. That was your telegram?—Yes, and I
 added that the doctor was in constant attendance
 on it, and that I did not believe there was any
 necessity for an inquest. I did not hear from
 him again on the subject.
 364. Did the coroner attend on the 14th?—
 Yes.
 365. And what took place then?—When I
 did not hear from him I then wrote the usual
 notice in the evening, in case he would attend,
 requiring more time, stating that I had not
 sufficient time to have the proper number of
 duly qualified jurors in attendance. I wrote
 that on his precept.
 366. Oh! he had sent you a precept with his
 letter of the 12th?—Yes.
 367. Directing you to summon a jury?—Yes.
 368. And you telegraphed to him that you
 considered no inquest was necessary under the
 circumstances, but you took no steps then to
 summon a jury?—No, not having heard from
 him again. He says in his letter, “Should I
 “not hear from you on Wednesday morning, I
 “will be at Rhode at 12 o’clock on same day,
 “Wednesday.”
 369. And he did hear from you by telegraph?
 —Yes. I sent my telegram in the way there
 would be no mistake to the adjoining station, and
 a constable delivered it to him.
 370. The coroner did attend then, on Wed-
 nesday, the 14th?—Yes.
 371. And did you hand him then the expla-
 nation with reference to your not having had
 time to assemble a jury?—The constable in
 charge there did.
 372. But it was the notice you yourself had
 drawn up?—Yes.
 373. Saying that you had not had time?—
 Yes.
 374. Supposing that you had thought it
 necessary to act upon that, I presume you would
 have had time to get your jurors together?—
 I would have had great difficulty in getting
 them in so short a time, and there are very few
 jurors in the neighbourhood whom I would have
 considered properly qualified.
 375. Then, on the arrival of the coroner on the
 Wednesday, what took place?—I was not there.
 376. What next did you hear about it?—The
 report from the constable at Rhode.
 377. What was the report made to you?—He
 reported to me that the coroner said he would
 issue no further precept, but that he would lay
 the matter before the Chief Secretary.
 378. Did he hold an inquest?—No, he did not;
 and I never heard anything about it since but
 that.
 379. There was an inquest on the other child?
 Yes.
 380. But you never heard anything more
 about that, than that the coroner was annoyed
 at not having his precept obeyed, and that he
 threatened

24 June 1882.]

Sub-Inspector CAULFIELD.

[Continued.]

threatened to bring the matter before the Government?—That is all.

381. Now we will go on to the next case, if you please; the inquest on the child who died on the 23rd June?—Yes.

382. Did you receive a precept in that case?—I did. I received it on Sunday morning and at once acted on it.

383. Friday was the 23rd, and you received the intimation on the 24th?—Yes.

384. And there was an inquest held?—Yes.

385. You had the jury ready?—Yes, a very respectable jury. There were a great many of them challenged, which I doubt is legal in the case of a coroner's inquiry.

386. When was the inquest held, Mr. Caulfield?—It was held on Tuesday, the 27th of June.

387. But you had only one clear day's notice then also?—No, I got the precept early on Sunday morning—

388. Sunday does not count you know?—That unfortunately is not always the case in the Royal Irish Constabulary. I had made arrangements on the Sunday for having the jurors served on Monday. I may say I had two clear days notice on that occasion.

389. Then the inquest was held on the 27th?—Yes.

390. With reference to the first inquest, it would have been necessary, of course, to have exhumed the body?—It would.

391. The child died upon the 29th of May, and the inquest was only proposed to be held on the 7th of June; that would be upon the tenth day after death?—Yes.

392. The earliest period at which it was proposed to hold it was 10 days after the child's death?—Yes.

393. Now, Mr. Caulfield, if you have anything to say with reference to the huts, you may?—When these men struck work, Hoisey the smith, "Sandy" Hoisey he is called, knowing that the gentleman he worked for would be very much put about, went up to help him at the horses, and he got immediately afterwards this letter: "Sandy Hoisey,—If you be a blacksmith you will mend your own business, or if not, you will be called too the next time."

394. I don't quite see the relevancy of this to my present inquiry; though?—Only to show the threats and the intimidation.

395. But I am not here to inquire as to that, all I am to inquire into are the circumstances connected with these three events or things; the death of these poor little children, the interference to prevent the erection of huts, and the coroner's inquest?—Then here is another letter to a Scotch labourer—

396. I beg your pardon, but I don't see what the object of reading these letters here is; they were all in due course reported to the authorities I assume?

397. Captain L'Estrange, R.M.? But they strengthened the necessity for my stopping the erection of the huts.

398. Mr. Bourke.] I understand rather that the necessity for stopping the erection of the huts was caused by the very threatening position they assumed, right opposite the gate of the man whose property and freedom of action were interfered with.

399. Captain L'Estrange.] Complied with the fact that these threatening letters were lying about, and that the country was in an unsettled state.

400. Mr. Bourke.] I am quite cognizant of the fact that there were threatening letters being sent, and that the district was in a very unsettled state. I have the official papers in the case beside me.

401. Captain L'Estrange, R.M.] What Lord Fitzgerald at a recent trial described as a wave of dishonesty spreading over the land.

402. Sub-Inspector Caulfield.] Here is a notice calling on the labourers about erecting the huts, showing that they were intended as an intimidation; it was taken down off a tree just opposite the post office.

403. When?—The day before the huts were brought out: "Labourers of the Parish of Black. Come in thousands to Edenderry on Monday, at 11 o'clock, with your horses and harness draw home the huts to the poor evicted tenant. God save Ireland. Do not fail to come." I had information that they were to be erected immediately opposite Mr. Kerr's gate. In fact the man who gave the land for the purpose told me he had given ground in his field opposite Mr. Kerr's gate for the huts to be erected.

404. Mr. Bourke (to Captain L'Estrange).] I understand that you knew the huts were to be erected in that place?—Yes, and they went to that place.

405. Patrick Keenan.] I never asked permission from any man to put up the huts, except from the man on whose ground it is at present.

406. Sub-Inspector Caulfield.] Ground was given for the purpose I know, opposite Mr. Kerr's gate.

407. Mr. Bourke (to Sub-Inspector Caulfield).] Is there anything else you would like to say?—No. Of course there is no occasion of repeating what took place in the courthouse about the certificate; I think that is plain enough.

408. Yes?—What really did take place was that the magistrates hearing that there was disease in the place appealed to Mr. Kerr to know what he would say, and he replied that if he got evidence from a doctor that there was illness endangering the removal he would allow the family to continue.

409. Sub-Inspector Caulfield.] Certainly; that is what took place.

410. Mr. McInerney, R.M.] And what Keenan says is that afterwards Dr. Swannery visited his children on a ticket issued by Mr. Kerr himself, that after seeing them he went to Mr. Kerr's house direct, and that he (Keenan) thought the matter was then settled between them.

24 June 1882.

Constable JOHN HYLAND; Examined by Mr. Bourke.

411. You are a Constable in the Royal Irish Constabulary?—Yes.

412. You heard shortly after Kavanagh's first child died of the death?—Yes, on the day of his death.

413. That is on the 29th May?—Yes.

414. Did you go to where he was?—No; I met Kavanagh in the village of Rhode.

415. You met Kavanagh in Rhode?—Yes.

416. And had you any conversation with him?—Yes.

417. What was it?—I asked him if he had the doctor to his child previous to its death, and he said he had; that it was attended regularly by the doctor, and that he expected its death. He also mentioned that it was a twin child, and delicate from its birth.

418. Patrick Kavanagh.] I never said such a thing. I said it was delicate from the time it took the measles.

419. Constable Hyland.] He also said that he thought its brother would not live either.

420. Patrick Kavanagh.] Certainly, I did say that.

421. Constable Hyland.] He made no complaints on that day to me, nor stated that he wished to have an inquest.

422. Patrick Kavanagh.] No, but when I went to make a complaint to you, you refused to report it to the coroner.

423. Constable Hyland.] Yes, that was after the child had been buried.

424. Mr. Bourke (to Constable Hyland).] He said nothing to you on that day as to an inquest; when did he serve you with a notice, or make application to you with reference to an inquest?—It was on the 3rd of June. Then Kavanagh came to deliver the notice to me directing me to report the death of his child to the coroner, as there were suspicious circumstances connected with its death requiring investigation.

425. Did he state what those suspicious circumstances were?—No, he did not.

426. Well, what did you say?—I told him that I would not report to the coroner. I had made inquiries of the doctor before that, and I made further inquiry after getting the notice.

427. First, I want to know your ground for refusing to act upon Kavanagh's notice; it was that you had communicated previously with the doctor about it; do I understand you to say that?—Yes, sir; but I did not intend to report to the coroner until I reported to my sub-inspector, under the circumstance of my speaking to Kavanagh on the day the child died, and he statement then, and my belief that there was nothing requiring investigation.

428. And therefore it was that you refused to act on the notice?—Yes.

429. But you reported the fact of having received it to Mr. Caulfield, your sub-inspector?—Yes, and received instructions from him.

430. And Mr. Caulfield instructed you to take no action upon it?—He said he did not consider it necessary to communicate with the coroner.

431. Had you any further communication with Kavanagh, or anybody on his behalf, before the coroner came?—No.

432. Then, were you present when the coroner came on the Wednesday?—Yes.

433. Mr. Caulfield was away?—He was not present.

434. What took place between you and the coroner?—I had a communication from Mr. Caulfield previous to the coroner's coming, and when he came I handed him back the precept, with a memorandum upon it that the time was too short for serving the notices for jurors.

435. Did the coroner make any observation to that?—Yes.

436. He appeared vexed, I suppose?—Yes; he made the statement that appeared in the "Freeman's Journal" afterwards.

437. I don't know what appeared in the "Freeman's Journal"; but did he say anything to you?—Yes; he asked me if I knew whether any jurors had been summoned, and I said there had not. Then he asked me if I was aware whether any effort had been made to summon a jury, and I said not. I had instructions, along with the notice, to say that the coroner could issue a second precept, but when I mentioned this, Mr. Gowing said he would not do so, but that he would report the matter to the Government.

438. Is there anything else you wish to say, constable; were you present when these huts were brought up to Mr. Kerr's gate?—Yes.

439. And did the people show a disposition to erect the huts on ground opposite Mr. Kerr's gate?—They did.

440. And then Mr. L'Estrange instructed you not to permit it?—He told Mr. Caulfield, who was there.

441. Captain L'Estrange.] I was obliged to arrest one or two of the people on that very occasion; they were so disorderly.

442. Mr. Bourke.] At Kerr's gate, Captain?—

443. Captain L'Estrange.] Yes; exactly opposite Mr. Kerr's gate, in front of his demesne. It might have been a hundred yards or so on either side of the gate.

444. Patrick Kavanagh.] It was stopped opposite Mr. Meredith's gate, a good deal below Kerr's.

445. Mr. Bourke.] I understand Captain L'Estrange to say that it was opposite Mr. Kerr's gate that they were stopped, and that it was there the people evinced a disposition to erect the huts.

446. Captain L'Estrange.] It may not have been just immediately opposite the gate, but it was within full view of the house at all events.

447. Mr. Bourke (to Kavanagh).] And where do you say it was?—We were going on past Mr. Kerr's land altogether, when we were stopped and would not let go any further.

448. Mr. David Kerr.] It is exactly opposite the house that he was dispossessed of that the procession stopped.

449. Patrick Kavanagh.] But we were going on when we were stopped.

450. Mr. Bourke (to Kavanagh).] Where were you going to put them up?—We did not want to put them up any place till we had liberty.

451. Had you any place in your mind?—Yes, Mr.

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Constable HYLAND.

[Continued.]

Mr. Ennis' land; the place where they are now, and that is just down a bit from where we were stopped.

442. Mr. Bourke (to Constable Hyland).] Were those carts in motion and stopped by the police?—Yes, they were; it was I who stopped the first cart.

443. Where was it now?—Within a perch or so of Mr. Macdonnell's gate.

444. They were moving on?—Yes.

445. And did you ask them, or did you know where they were facing to?—No, sir. I was directed by Head Constable Macken to stop the first cart, and get the names of the persons who owned the carts all along the line.

446. And you stopped the procession for that purpose?—Yes.

447. And did you go down from one cart to another to find who they belonged to?—Yes.

448. Taking the names down?—Yes.

449. Then, what set did you perform by way of turning them back?—I did not turn them back at all.

450. Or anybody?—I am not aware, sir. The Head Constable, Mr. Canfield, and Captain L'Estrange, were down partly in front of the carts, and I came back again after getting the names of the drivers.

451. And what did you see the carts and their drivers do?—There were three arrests made there.

452. By you?—No, by some of the men of the company.

453. They were arrested for breaches of the law I understand; not having names on their carts, and driving while under age.

454. Captain L'Estrange.] No; in these cases the proceeding was by summons. The three men were arrested for misconduct.

455. Mr. Bourke (to Constable Hyland).] Did you see the men arrested?—Yes.

456. But you did not take part in it?—No.

457. What took place then, when the men were arrested?—The men moved down in front of Mrs. MacNamee's house, and deposited the Land League huts there.

458. Was that in the same direction they had been going in, or had they to face about?—No; it is on further, just.

459. Mr. Bourke (to Kavanagh).] Were you there?—Yes, in the first cart.

460. Were you asked where you were going to erect the hut?—No, sir; I was stopped, and I asked, would I not be allowed to bring home the horse to Mr. Ennis from whom I got him, and they said not.

461. Who were "they"?—The police. Then these two men were arrested.

462. Who?—Mr. Thomas O'Brien and Mr. O'Shaughnessy.

463. Captain L'Estrange.] One of them got out that night, having had the good sense to enter into his recognisances to be of good behaviour.

464. Mr. Bourke (to Kavanagh).] Were the men who were arrested driving carts?—No; they came to Edenderry with the huts.

475. Captain L'Estrange.] I arrested three men, O'Brien and the two O'Shaughnessys.

476. Mr. Bourke.] Upon what charge?—For misconduct; being members of a disorderly and riotous mob.

477. The mob belonging those huts?—Yes; I arrested them on that sworn information (*landed in*). One of the O'Shaughnessys sent for me that night, said he was extremely sorry for his misconduct, and I let him out on his own recognisance. The other was going to do the same, but I saw this O'Brien wink to him not to, and they elected to go to goal and stay there for two or three months, which certainly did me no harm.

478. Why did you fix upon O'Brien?—From information I received from the constabulary.

479. To the effect that the things belonged to him, or were consigned to him?—No. Young O'Brien said they belonged to him, but that made no difference to me; they were the ring-leaders. The information I took from Constable Macken was that they were "the ring-leaders of a large number of people with carts this day carrying materials for Ladies' Land League huts, which they brought from the Edenderry Railway Station. They were arrested when passing opposite the house of Mr. David Kerr, of Clonsilla, who has had to eject some of his labourers, owing to their having refused to work for him. I believe this was done to intimidate the workmen from Scotland now in his employment, also their employer, Mr. David Kerr. Thomas O'Brien stated that the materials belonged to him, and that he was executing the decrees of Parnament." I suppose Captain Moorlight's Parliament.

480. Sub-Inspector Canfield.] My information was most positive, that the field was given exactly opposite to Mr. Kerr's, and that the huts were to be erected in that field, opposite Mr. Kerr's gate.

481. Mr. Bourke.] One of these information is to this effect: "I have information that it is proposed to erect some Ladies' Land League huts in the neighbourhood of Rhode, in this county"; that does not state that the site was exactly opposite Mr. Kerr's gate, or even opposite his lands?

482. Captain L'Estrange.] That is a short information I took to be equalled to not; I know what was coming. But when I heard of the first child's death, knowing the character of the corner here, I took the precaution of getting that sworn information from this constable (Hyland).

483. Mr. Bourke (after reading the information in question).] The constable says that Kavanagh told him the child was a twin and delicate from his birth; and Kavanagh is of opinion that what he said was that the child had been delicate at the time of its death, after the measles: the dispute or difference is one that might easily have occurred between two men.

24 June 1852.

EDWARD SHEERAN; Examined by Mr. Bourke.

484. You are a labouring man?—Yes.

485. And you came here at the request of Kavanagh?—Yes, sir.

486. Mr. McInerney, A.L.] Do you know anything about this child, except what happened in court this day the decree for possession of Kavanagh's cottage was given?—No.

487. That is all you know about the matter in hand?—That is all.

488. Mr. Bourke.] Did you think it was said that Kavanagh was told to get a doctor's certificate?—No, sir; he was not told.

489. But you believe that people were saying he was told?—No, sir, he never was told.

490. And you came here to say that you believed he never was told that?—Yes, sir.

491. And there is nothing else you have to say?—Nothing else, sir.

JOHN HENNEY; Examined by Mr. Bourke.

492. You say the same; that you never knew that Kavanagh was told to get a doctor's certificate?—No, he was not told that.

493. And that is what you came here to give evidence upon?—Yes.

494. Captain L'Estrange.] We have not had it explained how this man, speaking to the con-

stable the day after his child's death, knew nothing about the alleged "suspicious circumstances" he subsequently wished to have inquired into.

494. Mr. Bourke.] That counsel informs me, is the printed form of declaration used in all cases.

This closed the Proceedings.

THE RHODE INQUESTS INQUIRY.

COPY of REPORT by Mr. *Richard Bourke*,
Inspector of the Local Government Board,
of the Result of his Inquiry into the Circum-
stances connected with the DEATHS of Two
Children named KAVANAGH, whose Parents
lived at *Rhode*, in the *Kings County*, together
with the MINUTES of EVIDENCE taken at the
INQUIRY.

(*Mr. Trevelyan.*)

Ordered, by The House of Commons, to be Printed,
7 August 1882.

341.

Under 2 oz.

II—12. S. 32.